



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

FRANKLIN EDUCATION ASSOCIATION:	:	
NEA-NEW HAMPSHIRE	:	
	:	
Complainant	:	
	:	CASE NO. T-0202:7
v.	:	
	:	DECISION NO. 93-80
FRANKLIN SCHOOL BOARD	:	
	:	
Respondent	:	(Supplemental Decision to
	:	Decision No. 90-72)

BACKGROUND

On June 4, 1990, the Franklin Education Association (Association) filed unfair labor practice (ULP) charges and a Motion for a Cease and Desist Order alleging breaches of the collective bargaining agreement (CBA) and direct dealing with bargaining unit members by the Franklin School Board (Board). The PELRB then held a hearing on this matter on June 14, 1990. Thereafter, the PELRB issued a Cease and Desist Order on June 15, 1990 (Decision No. 90-53) followed by a decision on the merits issued on August 15, 1990 (Decision No. 90-72) which denied the ULP against the Board and vacated the Cease and Desist Order. The Association moved for rehearing on September 4, 1990. The Board objected thereto by motion dated September 12, 1990. The PELRB denied rehearing on September 13, 1990. Decision No. 90-89.

By motion of October 31, 1990, the Board requested the PELRB to initiate enforcement proceedings in Decision Nos. 90-72 and 90-89. Presiding Justice George Manias, Merrimack Superior Court, issued a Temporary Order compelling bargaining on January 4, 1991. Docket No. 90-E-00663-B.

In the meantime, the Association filed an appeal from the PELRB proceedings with the New Hampshire Supreme Court on October 15, 1990, notice of said appeal having been accepted by the court being received by the PELRB on January 3, 1991. The PELRB filed the record of these proceedings with the Court on April 10, 1991.

The New Hampshire Supreme Court issued a decision in Appeal of Franklin Education Association on November 10, 1992, 136 N.H. 332

(1992), which found that the Board's conduct constituted "direct dealing" in violation of RSA 273-A:1 XI, 273-A:3 I, and 273-A:5 I (e) whereupon this case was remanded to PELRB for remedies appropriate with the Court's findings. It is from that remand that we modify our decision and order in Decision No. 90-72.

DECISION AND ORDER

In accordance with the Court's remand to the PELRB in this case, we modify our prior decision by (1) VACATING the denial of the unfair labor practice charges, (2) finding that the Board committed an unfair labor practice by the manner in which it circulated individual contracts to teachers for signature, engaged in direct dealings with bargaining unit members, and failed to bargain in good faith in violation of RSA 273-A:1 XI, 273-A:3 I and 273-A:5 I (e), and (3) directing that the board CEASE and DESIST from this conduct. The parties are directed to engage in good faith bargaining as required by Item E of Decision No. 90-72.

So ordered.

Signed this 7th day of July 1993.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding.
Members Seymour Osman and Richard E. Molan present and voting.